

**JACKSON LEWIS P.C.**

Joshua A. Sliker (Nevada Bar No. 12493)  
 Joshua.Sliker@jacksonlewis.com  
 300 S. Fourth Street, Suite 900  
 Las Vegas, NV 89101  
 Telephone: (702) 921-2460  
 Facsimile: (702) 921-2461

**CHARIS LEX P.C.**

Sean P. Gates (*admitted pro hac vice*)  
 sgates@charislex.com  
 Douglas J. Beteta (*admitted pro hac vice*)  
 dbeteta@charislex.com  
 301 N. Lake Ave., Suite 1100, Pasadena, CA 91101  
 Telephone: (626) 508-1717  
 Facsimile: (626) 508-1730

*Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.*

**TIFFANY & BOSCO, P.A.**

Robert D. Mitchell (*admitted pro hac vice*)  
 rdm@tblaw.com  
 William M. Fischbach III (*admitted pro hac vice*)  
 wmf@blaw.com  
 Camelback Esplanade II, Seventh Floor  
 2525 East Camelback Road Phoenix, Arizona 85016-4229  
 Telephone: (602) 255-6000  
 Facsimile: (602) 255-0103

*Attorneys for Defendant/Counter-Plaintiff Martin Tripp*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

TESLA, INC., a Delaware corporation,

Plaintiff,

vs.

MARTIN TRIPP, an individual,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 3:18-cv-00296-LRH-CBC

**STIPULATION AND [PROPOSED]  
 MODIFICATION TO  
 SCHEDULING ORDER  
 (FOURTH REQUEST)**

1 Pursuant to Local Rule 26-4, Plaintiff and Counter-Defendant Tesla, Inc. (“Tesla”) and  
2 Defendant and Counter-Plaintiff Martin Tripp (“Tripp”) submit the following Stipulation and  
3 Proposed Modification to Scheduling Order.

4 Tripp intends to file two motions to compel discovery, which Tesla will oppose. The first  
5 will seek to compel the deposition of Elon Musk, which issue has been discussed with the Court in  
6 several Case Management Conferences. (ECF 54, 67, 72.) The second motion will seek to compel  
7 the production of certain documents withheld on the basis of privilege. All other discovery has  
8 been completed.

9 Good cause exists because modification is necessary to allow for the Court to rule on these  
10 motions prior the parties’ filing any dispositive motions, allowing any dispositive motions to be  
11 based on a complete record.

12 The Court previously modified the Scheduling Order on December 5, 2018, March 6, 2019,  
13 and June 19, 2019, the Court modified the Scheduling Order pursuant to stipulation of the parties.  
14 (ECF Nos. 55, 68, and 81.) This is therefore the fourth request for modification of the Scheduling  
15 Order. The parties do not anticipate requesting further modifications.

16 For the foregoing reasons, the parties stipulate and respectfully request that the Scheduling  
17 Order be modified as follows:

18 1. **Dispositive Motions:** Dispositive motions must be filed no later (1) in the case that  
19 the Court denies the motions, 30 days following the date on which the Court has issued both  
20 rulings; (2) in the case that the Court grants either motion, 30 days following the date on which the  
21 Court orders any discovery to be completed.

22 2. **Pretrial Order:** The pretrial order shall be filed 30 days after the date set for filing  
23 dispositive motions. In the event dispositive motions are filed, the date for filing the joint pretrial  
24 order shall be suspended until 30 days after the decision of the dispositive motions or until further  
25 order of the Court. The disclosures required by Federal Rule of Civil Procedure 26(a)(3), and any  
26 objections thereto, shall be included in the pretrial order.

27 3. All other deadlines remain as stated in the Discovery Plan and Scheduling Order  
28 previously entered by the Court (ECF Nos. 31, 55, 68 & 81).

1  
2 Dated: September 26, 2019

**CHARIS LEX P.C.**

3  
4 By: /s/ Sean P. Gates  
Sean P. Gates  
5 Attorneys for Plaintiff and  
6 Counter-Defendant Tesla, Inc.

7 Dated: September 26, 2019

**TIFFANY & BOSCO, P.A.**

8  
9 By: /s/ William Fischbach  
10 William Fischbach  
11 Attorneys for Defendant Martin Tripp  
12  
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14 **ORDER**

15 IT IS SO ORDERED:  
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18 HON. CARLA BALDWIN CARRY  
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: \_\_\_\_\_  
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